



The Salisbury Planning Board held its regular meeting Tuesday, July 24, 2007, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Dr. Mark Beymer, Richard Huffman, Craig Neuhardt, Sandy Reitz, Jeff Smith, Valarie Stewart, and Albert Stout

ABSENT: Robert Cockerl, Tommy Hairston, Price Wagoner and Diane Young

STAFF: Dan Mikkelson, Preston Mitchell, and Diana Moghrabi

MEDIA: Mark Wineka, *Salisbury Post*

The meeting was delayed while the Planning Board awaited a quorum. Dr. Mark Beymer, Chairman, called the meeting to order at 4:25 p.m. and offered an invocation. The minutes of the July 10, 2007, meeting were approved as published. The Planning Board adopted the agenda as published.

## **OLD BUSINESS**

- A. Legislative Committee B Report  
Z-06-07, Brian & Jocelyn Moore  
530 West D Avenue  
Tax Map - Parcel(s) 061-2011, 061-2017  
R-8 to R-6

There was significant board-level concern for the future impacts of duplex residential on this neighborhood but generally Planning Board supported the petitioner's desire to expand their daycare. There were several other questions and comments, so the board decided to send this petition to a legislative committee for further review. That committee meeting was held Wednesday, July 18, 2007, at 8 a.m. in City Hall.

All members of Legislative Committee B (Albert Stout, Tommy Hairston, Diane Young, Craig Neuhardt, and Sandy Reitz) were in attendance along with staff, the petitioners, as well as multiple neighbors from the immediate neighborhood.

Chair Reitz opened the meeting and permitted staff to provide some background information on the current and proposed zoning, permitted uses, and justification for staff recommendation, as well as answer a few questions from the public.

Mr. Stout and Mr. Hairston expressed concern over staff's recommendation to expand the rezoning to cover other properties so as to fully encompass the 500 block of 'D' Avenue out to Mooresville Road. They agreed that the only property in question should be the petitioner's residence parcel.

Ms. Young personally walked the petition area (Sherwood and 'D') and concurred with the recommendation of the previous members to bring only the petitioner's developed property into question. She went on to state that the list of permitted by-right uses in both districts are similar—except for the obvious physical differences between duplex and single-family. However, she believed that the more sensitive institutional uses in both districts are further buffered by requiring Conditional Use or Special Use Permits at the Zoning Board of Adjustment or City Council level.

A MOTION was made, and seconded, to recommend approval of a petition to rezone only the petitioner's developed parcel (where the house is located) from R-8 to R-6. That motion passed unanimously. (5-0) The petitioner wholeheartedly agreed with the committee recommendation to not rezone the undeveloped parcel along Mooresville Road.

Staff Recommendation:

Staff believes that this petition is not consistent with City's Strategic Growth Plan; however, it is consistent with the Vision 2020 Plan's goals for a variety of housing types, controlled densification, and the recognition that large-lot subdivisions cannot be the sole form of future residential development.

Dick Huffman stated that he appreciates what the Moores are doing and what they have done. They appear to have a lot of support in the neighborhood. He has problems with the rezoning; he had more problems with the prior staff recommendation. This would be an R-6 all by itself and not contiguous, which would be a better zoning mechanism. Duplex zoning is a concern since duplexes are customarily rental property. He is inclined to vote against the motion.

Valarie Stewart looked at the property and asked if the property could meet zoning requirements for duplexes. Preston Mitchell said yes, that the property meets the tests.

Jeff Smith referred to the proposed Land Development Ordinance. If the proposed LDO is passed, this property will convert to UR if zoned R-6 and R-8 converts to GR-6. Neither proposed zoning allows a daycare facility in them. If this is approved, it will be a legal non-conforming use under the proposed code—as long as they did not shut down for greater than 180 days. Jeff said he feels it is all or nothing, that the zoning would be better cleaned up—especially the Mooresville Road side makes sense to be R-6. He admitted to being quite conflicted on the issue.

Albert Stout joined the meeting at 4:45. He served on the committee and felt prepared for the vote.

Dr. Beymer called for the question.

Planning Board Statement of Consistency and Motion:

All in favor of the motion to rezone from R-8 to R-6 were Sandy Reitz, Jeff Smith, Valarie Stewart, Craig Neuhardt, and Albert Stout. Those opposed were Mark Beymer, Dick Huffman, and Karen Alexander. (Approved 5-3)

Sandy Reitz stated: The Planning Board finds and determines that rezoning petition Z-06-07 is consistent with the goals, objectives, and policies of the Strategic Growth Plan and the Vision 2020 Comprehensive Plan, and hereby recommends Approval. This petition is amended to cover only the house and the lot it is on.

The Statement of Consistency Motion was made by Sandy Reitz and seconded by Albert Stout. Dick Huffman and Karen Alexander voted NAY. (6-2)

This will carry forward to City Council August 7 at 4 p.m.

**B. Reports from the Salisbury Historic Preservation Commission (HPC) and Salisbury Community Appearance Commission Committee (CAC) concerning text amendment T-01-07.**

The Planning Board first heard the proposal to amend the Salisbury Sign Ordinance on May 8, 2007. There are five proposed amendments ranging from Historic Signs in the downtown B-5 district to content neutrality for Group Development signage to illumination of church signs to replacement of nonconforming signs. The Planning Board heard the staff presentation, held very little discussion on the case, and unanimously referred the amendments to their legislative committee "A" for additional review and clarification.

The legislative committee unanimously agreed that the HPC should consider the amendment related to Historic Signs in the downtown B-5 district and that the CAC should consider all five.

CAC

Barbara Perry, Chair of the CAC, made a presentation on behalf of the CAC.

*Request:* On June 6, 2007, Joe Morris made a presentation to CAC on behalf of Salisbury Planning Board regarding proposed changes to the sign ordinance. Planning Board had requested input from the CAC. The Commission made recommendations on several of the proposed changes during their regular meeting, but appointed a subcommittee to consider the request from three area colleges to allow electronic light emitting diode (LED) signs.

*History:* This was not the first time CAC had been asked to make a recommendation on a request to allow LED signage. City Council referred a similar request to CAC on November 19, 2002. Following study by a subcommittee, CAC made

the recommendation to Council on January 21, 2003, that the sign ordinance should remain as is and not allow LED signs, thereby staying within the guidelines set forth in the East Innes Street Zoning Overlay study and the Vision 2020 Comprehensive Plan. Then, by unanimous consensus, Council agreed to take no action on the change to allow electronic signs.

*CAC recommendation:* The CAC subcommittee held two meetings to consider the recent request and prepare a recommendation. The subcommittee acknowledges the arguments that might support LED signs, such as convenience in changing message and efficient use of electricity. However, for the following reasons, the **CAC recommends by unanimous consent that the sign ordinance remain intact and that LED signs not be allowed in any district.**

- Appearance statement from Salisbury Vision 2020 Comprehensive Plan:  
*We see a community of clean, tree-lined streets, subtle commercial signage, and buildings of architectural distinction nestled amidst properly designed and well-maintained landscaping. We see smaller parking areas with cars tucked behind landscaped walls and hedges or parked to the rear of buildings. East Innes Street has been transformed into a grand, landscaped boulevard from the I-85 interchange to the downtown. Jake Alexander Boulevard and Main Street have been developed in similar grand fashion.*
- Although allowing LED signs in the CU district (college and university) may seem less intrusive than if allowed in commercial districts, it would be difficult, and possibly unfair to restrict the signs to this one district.
- LED signs are not compatible with the unique and historic “small-town” character of Salisbury.
- Salisbury is blessed with two colleges that exemplify architectural integrity and historic preservation. The LED signs would detract from the pleasing, refined architectural character of these institutions. (Livingstone College is in a National Historic Register)

*Sec. 9.10(8)(b): Nonconforming Signs*

There had been a 7-year amortization period to get businesses into compliance. There was a great deal of controversy in the community about this. City Council decided to grandfather all nonconforming signs. It is reasonable to expect that when the name of a business changes, the sign must come into compliance. Nonconforming signs should not be guaranteed infinite life spans. There needs to be some preclusion for cleaning them up. Those nonconforming sign owners should not have the advertising advantage over those who choose to follow the law.

*Sec. 9.05(3): Signs Permitted by District*

The commission agreed with the proposed language.

*Sec. 9.05(8)(b.6): Signs Permitted by District*

Content regulation and illumination–The commission agreed with the proposed language.

*Sec. 9.06(1A, 1C): Special Sign Provisions*

Constitutional “content” issue; Salisbury can control the overall size of the sign, where it is placed, and how it is illuminated; we should not get into the content and lettering. There is not a lot of discussion that can take place.

HPC

At its regular meeting held on June 14, 2007, the Historic Preservation Commission reviewed the proposed change to Article IX of the Salisbury Zoning Code concerning historic signs. The purpose of the amendment is to enable the use, or re-use, of existing historic signs, as well as the installation of new facsimiles of historic signs based on documentary evidence.

The commission members recommended one change to the proposed text. The boundaries of the B-5 zoning district and the ‘H’ Historic District Overlay do not coincide. Specifically, an area zoned B-5 along South Main Street between Monroe and Thomas Streets is not located within a local historic district. Therefore, a Certificate of Appropriateness would not be required for the re-use or replication of potentially historic signs within that area.

Other than this point of clarification, the Historic Preservation Commission unanimously supported the proposed change as a means of extending the functional life of historic features and adding interest and authenticity to historic Downtown Salisbury. The commission further recommended approval of the amendment with the change as previously noted.

Planning Board

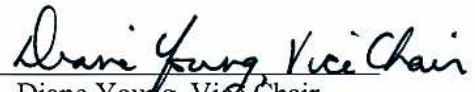
Legislative Committee A will meet Wednesday, August 1, at 8 a.m. in the second floor conference room at City Hall to craft a final recommendation to bring forward to the Planning Board.

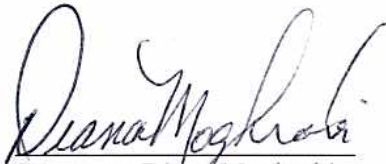
OTHER BOARD BUSINESS

July 25, at 8 a.m. there will be Planning Board orientation at the Plaza. Traffic and storm water issues will be highlighted. The draft of the Land Development Ordinance will also be addressed; City Council will review and comment on the LDO at the August 21 meeting.

There being no further business to come before the Planning Board, the meeting was adjourned at 5:15 p.m.

  
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Dr. Mark Beymer, Chair

  
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Diane Young, Vice Chair

  
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Secretary, Diana Moghrabi